

01 MAG. 1036

Approved: Jennifer G. Rodgers
JENNIFER G. RODGERS
Assistant United States Attorney

Before: HONORABLE THEODORE H. KATZ
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	SEALED
	:	<u>COMPLAINT</u>
- v. -	:	Violation of
	:	8 U.S.C. § 1326(a)
MARIO ARNALDO HENRIQUEZ,	:	and (b) (2)
	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendant.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH LOVE, being duly sworn, deposes and says that he is a Special Agent of the United States Immigration and Naturalization Service, and charges as follows:

COUNT ONE

From at least in or about May 2001, in the Southern District of New York and elsewhere, MARIO ARNALDO HENRIQUEZ, the defendant, being an alien, did enter, attempt to enter, and was found in the United States after having been deported from the United States subsequent to a conviction for the commission of an aggravated felony, to wit, a conviction in the United States District Court for the District of Massachusetts for conspiracy to distribute cocaine and possession with intent to distribute cocaine on or about March 18, 1986, and without having obtained the permission of the Attorney General of the United States to reapply for admission to the United States.

(Title 8, United States Code, Section 1326(a) and (b) (2).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Special Agent of the United States Immigration and Naturalization Service ("INS"). I have investigated the above-captioned case and have spoken with other law enforcement officials and examined relevant documents. Because this affidavit is being submitted for a limited purpose, I have not included details of every aspect of this investigation. Where the contents of documents or transactions, conversations or statements of others are related herein, they are related in substance and in part, unless otherwise indicated.

2. I have reviewed official records of the INS which document, in part, that:

a. MARIO ARNALDO HENRIQUEZ, the defendant, is a citizen of Ecuador and an alien in the United States;

b. On or about March 18, 1986, MARIO ARNALDO HENRIQUEZ, the defendant, was convicted in the United States District Court for the District of Massachusetts for conspiracy to distribute cocaine and possession with intent to distribute cocaine, an aggravated felony;

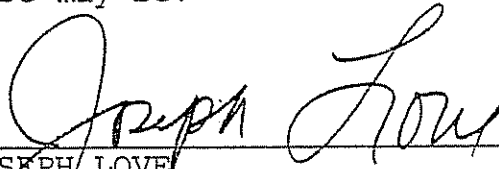
c. On or about July 2, 1991, a warrant of deportation was issued against MARIO ARNALDO HENRIQUEZ, the defendant;

d. On or about December 5, 1998, MARIO ARNALDO HENRIQUEZ, the defendant, was lawfully deported from the United States to Ecuador pursuant to the Immigration and Nationality Act.

e. I learned from a confidential informant ("CI") that MARIO ARNALDO HENRIQUEZ, the defendant, had re-entered the United States after his deportation and is currently working in Manhattan. I believe this information is reliable because the CI also provided me with detailed information concerning HENRIQUEZ's identity, alien status, and criminal record, all of which I verified as accurate.


f. I also contacted a representative at the INS Records Management Branch who advised me that all appropriate files were reviewed and it was thereby determined that as of May 17, 2001, the defendant had not sought or received permission to re-enter the United States following his deportation.

WHEREFORE, deponent prays that an arrest warrant be issued for the above-named defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



JOSEPH LOVE
SPECIAL AGENT
IMMIGRATION AND NATURALIZATION SERVICE

Sworn to before me this
31st day of May, 2001.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

THEODORE H. KATZ
UNITED STATES CHIEF MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK